

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 2. Licensure and Certification

Chapter 29. Private Radiologic Technologists

Subchapter A. General Provisions

§2901. Scope

A. The rules of this Chapter govern the certification as to proficiency of private radiologic technologists to perform diagnostic or therapeutic radiological examinations or both in the private office of a physician or in clinics in which a physician practices as provided under R.S. 37:1292, as hereafter amended or supplemented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:574 (October 1987).

§2903. General Definitions

Applicant—a person who has applied to the board for a certificate to perform diagnostic or therapeutic radiological examinations or treatments or both in the private office of a physician or in clinics in which a physician practices and under the direct supervision of a physician licensed to practice medicine by the board.

Application—a written request directed to and received by the board upon forms supplied by the board, for a certificate to perform radiological examinations or treatments in the private office of a physician or in clinics in which a physician practices in the state of Louisiana, together with all information, certificates, documents, and other materials required by the board.

Board—the Louisiana State Board of Medical Examiners created pursuant to R.S. 37:1261-1291, as hereafter amended or supplemented,

Certificate—the lawful authority of a person to use radioactive materials or equipment emitting or detecting ionizing radiation on humans to perform a diagnostic or therapeutic examination or treatment or both in the private office of a physician or in a clinic in which a physician practices and under the direct supervision of a physician licensed to practice medicine by the board, said authority being evidenced by a certificate of proficiency duly issued by and under the official seal of the board.

Clinic—a facility where patients are studied or treated on an outpatient basis by physicians specializing in various or particular ailments and practicing as a group.

Direct Supervision of a Physician—pursuant to specific instructions, oral or in writing, or otherwise according to prescription given directly by the physician to the private radiologic technologist.

Education Program—a set of formally structured activities designed to provide students with the knowledge and skills necessary to perform diagnostic or therapeutic radiological examinations or treatments or both, with evaluation of student performance according to predetermined objectives.

Formal Training—training or education, including either didactic or clinical practicum or both, which has a specified objective, planned activities for students, and suitable methods for measuring student attainment, and which is offered, sponsored, or approved by an organization or institution able to meet or enforce these criteria.

Good Moral Character—as applied to an applicant, means that:

a. the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:1285 for the suspension or revocation of certification;

b. the applicant has not prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and

c. the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the qualifications for certification required by this Chapter.

Ionizing Radiation—any electromagnetic or particulate radiation (x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles) which interacts to produce ion pairs in matter.

Physician—a person possessing a current license to practice medicine in the state of Louisiana.

Private Nuclear Medicine Technologist—a private radiologic technologist who conducts in vivo or in vitro detection and

measurement of radioactivity for medical purposes or administers radiopharmaceuticals to human beings.

Private Radiologic Technologist—a person who is authorized to perform radiological examinations or treatment or both in the private office of a physician or in clinics in which a physician practices and under the direct supervision of a physician.

Private Radiation Therapy Technologist—a private radiologic technologist who utilizes radiation-generating equipment for therapeutic purposes on human beings.

Private Radiographer—a private radiologic technologist who performs a comprehensive scope of diagnostic radiological procedures employing equipment which emits ionizing radiation and is responsible for operation of radiation generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, or other procedures which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

Radiologic Technology Board of Examiners—agency created pursuant to R.S. 37:3200-3219, as hereafter amended or supplemented.

Radiological Examination or Treatment—the use of radioactive materials or of equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes under direct prescription and supervision of a physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:574 (October 1987).

§2905. Necessity of Certificate; Exemptions; Information Required

A. No person may perform or attempt to perform a diagnostic or therapeutic radiological examination or treatment in the private office of a physician or in a clinic in which a physician practices unless he has in his personal possession a certificate issued to him under this Chapter or is otherwise exempted from the provisions of this Chapter pursuant to §2905.B and C.

B. The following persons are exempt from the requirements of this Chapter:

1. any physician licensed by the board to practice medicine in the state of Louisiana; or
2. any person licensed by the Radiologic Technology Board of Examiners.

C. Any person who performs the functions of a private radiologic technologist but has been employed by the supervising physician for less than six months shall be exempt from the requirements of this Chapter only for the first six months of such employment. This temporary exemption shall not apply to anyone who has been employed previously as a private radiologic technologist or who has otherwise

performed any radiological examination or treatment in the course of any previous employment.

D. Each physician who employs any person to perform diagnostic or therapeutic radiological examinations or treatments or both in his private office or in the clinic in which that physician practices shall report to the board annually as a condition of or issuance or renewal of that physician's licensure to practice medicine in the state of Louisiana the following information for each person so employed:

1. name of the employee;
2. address at which that person performs diagnostic or therapeutic radiological examinations or treatments or both;
3. initial date of employment as a private radiologic technologist;
4. any exemption claimed for any person under this Chapter; and
5. certification by the physician that the person employed as a private radiologic technologist is proficient in, and is competent to perform, the functions of a private radiologic technologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:575 (October 1987).

Subchapter B. Certification

§2907. Qualifications for Certification and Approval

A. To be eligible for certification under this Chapter, an applicant shall:

1. be at least 18 years of age;
2. be of good moral character;
3. have successfully completed a four-year course of study in a secondary school approved by the State Board of Elementary and Secondary Education, passed an approved equivalency test, or have graduated from a secondary school outside Louisiana having comparable approval;
4. have attended and successfully completed a course of radiological study and safety which meets the requirements of §2909 of this Chapter, or have been employed by a physician continuously since September 1, 1983 to perform diagnostic or therapeutic radiological examinations or treatments or both in the private office or clinic of that physician and under said physician's direct supervision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:575 (October 1987).

§2909. Educational Requirements

A. An applicant shall have attended and successfully completed an educational program and formal training meeting either of the following standards in preparation for the

position of radiologic technologist prior to making application for certification.

1. An educational program and formal training that meets the essentials and guidelines of an accredited educational program for the radiographer, radiation therapy technologist, and the nuclear medicine technologists as adopted by the American College of Radiology, American Medical Association, and the American Society of Radiologic Technologists and is accredited by the Committee on Allied Health Education and Accreditation and the Joint Review Committee on Education in Radiologic Technology shall be deemed adequate under the requirements of this section. The adequacy of such program shall exist only during the term within which it remains accredited by the aforesaid accrediting entities.

2. A specific course of radiological study and safety approved by the board, pursuant to §2911 of this Chapter and attended and completed by a potential applicant within the six months prior to making application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:575 (October 1987).

§2911. Application for Approval of Course of Study

A. Any employing physician may petition the board to approve an individualized and specific course of study to be attended and successfully completed by said physician's employee as a condition precedent to making application for certification of that employee as a private radiologic technologist under this Chapter.

B. To obtain board approval, the proposed course of study must include, as a minimum:

1. specific curriculum content, including the following courses at an accredited institution of higher learning, through which the employee must complete at least 12 semester credit hours:

- a. introduction to radiologic technology;
- b. medical ethics;
- c. radiation safety and protection; and
- d. patient care and patient positioning;

2. a clinical practicum taken concurrent with, or following completion of, the curriculum identified in §2911.B.1. Such practicum shall involve direct training of the employee by a physician or licensed radiologic technologist for at least five hours per week for not less than eight weeks;

3. the board may impose additional course requirements or require additional curriculum and/or practicum in its discretion;

4. no petition for approval of a course of study will be considered by the board until the applicable processing fee established under Chapter 81 has been paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:576 (October 1987).

§2913. Application for Certification; Procedure

A. Application for certification as a private radiologic technologist must be made upon forms supplied by the board and must be submitted by the proposed supervising physician, and shall be required as a condition precedent to the issuance or renewal of said physician's license to practice medicine in the state of Louisiana.

B. Application for certification and approval under this Chapter must include:

1. proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications set forth in §2907 of this Chapter;

2. affidavits, notarized and properly executed by the applicant and the proposed supervising physician, certifying the truthfulness and authenticity of all information, representations, and documents contained in or submitted with the completed application; and

3. such other information and documentation as the board may require.

C. All documents required to be submitted to the board must be the original or certified copy thereof. For good cause shown, the board may waive or modify this requirement.

D. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. Each application submitted to the board by a proposed supervising physician shall be accompanied by a fee of \$35 of which the sum of \$25 will represent a nonrefundable processing fee, as established under Chapter 81.

F. Upon submission of a completed application form, together with the documents required thereby, and the payment of the application fee established under Chapter 81, the board may require the applicant and the proposed supervising physician to make a personal appearance before a member of the board or a physician designated for this purpose, to be interviewed regarding the applicant's qualifications for certification and their understanding of the authority, limitations, obligations, and responsibilities imposed on private radiologic technologists and supervising physicians by laws and regulations applicable thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:576 (October 1987).

§2915. Issuance of Certificate; Rating

A. If the qualifications, requirements, and procedures of §§2907 and 2913 are met to the satisfaction of the board, the board shall certify the applicant as a private radiologic technologist.

B. Each private radiologic technologist certificate issued under this Chapter shall be endorsed as follows:

1. private radiologic technologist-nuclear medicine;
2. private radiologic technologist-radiation therapy; or
3. private radiologic technologist-radiographer.

C. Every certificate issued under this Chapter, of whatever rating, is expressly subject to the terms, restrictions, and limitations set forth in the approved application. A radiologic technologist shall be restricted to the use of the ionizing radiation by the category specified by the endorsement on his certificate and at the address or location specified in the job description submitted with his application.

D. A certificate of proficiency issued under this Chapter is valid as of the date of issuance. No representation is made, nor should such certificate be construed as an acknowledgment of continued competence or proficiency beyond the date of issuance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:576 (October 1987).

§2917. Obligations and Responsibilities

A. The private radiologic technologist shall:

1. at all times retain in his personal possession a copy of the certificate issued under this Chapter; and
2. comply with the reasonable request by the board for personal appearances and/or information relative to the functions, activities, and performance of the private radiologic technologist.

B. Each physician who employs any person to perform diagnostic or therapeutic radiological examinations or treatments or both in his private office or in the clinic in which that physician practices shall report to the board annually as a condition of or issuance or renewal of that physician's licensure to practice medicine in the state of Louisiana the following information for each person so employed:

1. name of the employee;
2. address at which that person performs diagnostic or therapeutic radiological examinations or treatments or both;
3. initial date of employment as a private radiologic technologist;
4. any exemption claimed for any person under this Chapter; and
5. certification by the physician that the person employed as a private radiologic technologist is proficient in,

and is competent to perform, the functions of a private radiologic technologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:576 (October 1987).

§2919. Causes for Nonissuance, Suspension, Revocation; or Restrictions; Fines; Reinstatement

A. The board may refuse to issue, or may suspend, revoke, or impose probationary or other restrictions on, any certificate issued under this Chapter for the following causes:

1. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge;
2. fraud, deceit, or perjury in obtaining any certificate issued under this Chapter;
3. providing false testimony before the board;
4. habitual or recurring drunkenness;
5. habitual or recurring use of morphine, opium, cocaine, drugs having a similar effect, or other substances which may induce physiological or psychological dependence;
6. aiding, abetting, or assisting any physician in any act or course of conduct enumerated in R.S. 37:1285;
7. efforts to deceive or defraud the public;
8. incompetency;
9. immoral conduct in exercising the privileges provided for by certification under this part;
10. persistent violation of federal or state laws relative to control of social diseases;
11. interdiction or commitment by due process of law;
12. inability to perform or function as a private radiologic technologist with reasonable skill or safety to patients because of mental illness or deficiency, physical illness, including but not limited to deterioration through the aging process or loss of motor skills, and/or excessive use or abuse of drugs, including alcohol;
13. refusing to submit to the examination and inquiry of an examining committee of physicians appointed or designated by the board to inquire into the private radiologic technologist's physical and mental fitness and ability to perform diagnostic or therapeutic radiological examinations or treatments or both with reasonable skill and safety;
14. violation of any provision of this Chapter, or of any rules and regulations of the board or statute pertaining to private radiologic technologists;
15. misuse of any radiological equipment or materials;
16. violation of any federal or state regulation controlling the use or application of radiological materials or ionizing radiation, including, but not limited to, those regulations promulgated by the U.S. Environmental Protection Agency,

the U.S. Occupational Safety and Health Administration, and the Louisiana Department of Environmental Quality.

B. The board may, as a probationary condition, or as a condition of the reinstatement of any certificate suspended or revoked hereunder, require the private radiologic technologist and/or the supervising physician to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees, and to pay a fine not to exceed the sum of \$5,000.

C. Any certificate suspended, revoked, or otherwise restricted by the board may be reinstated by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:576 (October 1987).

§2921. Severability

A. If any rule, provision, or item of this Chapter or the application thereof is held invalid as in excess of or inconsistent with statutory or constitutional authority, such invalidity shall not affect other rules, provisions, items, or applications, and to this end the rules and provisions of this Chapter are hereby declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:576 (October 1987).